

**THE CITY OF NEW YORK  
LAW DEPARTMENT**

100 CHURCH STREET  
NEW YORK, NY 10007

**HON. SYLVIA O. HINDS-RADIX**  
*Corporation Counsel*

**Rachel M. DiBenedetto**  
Labor and Employment Law Division  
phone: (212) 356-5031  
email: rdibened@law.nyc.gov

February 1, 2023

**BY ECF**

Honorable Jennifer L. Rochon  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: Philbert v. Dep't of Education, et al.  
Civil Action No.: No. 21-cv-3119 (JLR) (JLC)  
Law Dept. No.: 2021-010250

Dear Judge Rochon:

I am the Assistant Corporation in the Office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, assigned to represent Defendant Department of Education in the above-referenced matter. I write in accordance with Your Honor's Individual Rules (1)(F) and Your Honor's order, dated January 30, 2023, to respectfully request a one week adjournment of the post-discovery conference presently scheduled for April 6, 2023. See ECF No. 53. I seek this brief adjournment due to the fact that I will be out of the office on a previously scheduled vacation between March 30, 2023 to April 10, 2023. Plaintiff consents to this request. In further accordance with Your Honor's Individuals Rules (1)(F), the parties jointly propose the following agreed upon alternative conference dates: April 13, 2023; April 18, 2023; and April 20, 2023.

In addition, I respectfully request that the deadline to submit a letter motion requesting a summary judgment pre-motion conference be extended from February 16, 2023 (two weeks before the close of fact discovery) to a week after the close of fact discovery, March 9, 2023. I seek this request in light of the fact that Plaintiff's deposition is presently scheduled for February 27, 2023. Plaintiff consents to this request.

I thank the Court for consideration of these requests.

Respectfully submitted,

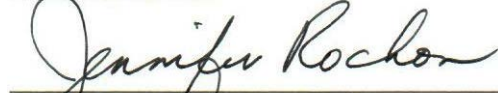
By: /s/ Rachel DiBenedetto  
Rachel DiBenedetto  
Assistant Corporation Counsel

cc: Richard St. Paul (By ECF)  
Attorney for Plaintiff

Request **GRANTED** in part. The post-discovery conference is adjourned to **April 13, 2023 at 3 p.m.** Pursuant to the Court's Individual Rule 3.I., the deadline to submit premotion letters is **March 16, 2023** and the deadline for opposition is **March 23, 2023**.

Dated: February 1, 2023  
New York, New York

**SO ORDERED**

A handwritten signature in black ink, reading "Jennifer Rochon", written over a horizontal line.

**JENNIFER L. ROCHON**  
United States District Judge